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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/593,178	06/13/00	BRANKOVIC V	450103-02669

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TM02/0731

EXAMINER	
TRINH,S	
ART UNIT	**PAPER NUMBER**
2681	9

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/593,178	Applicant(s) BRANKOVIC ET AL.	
	Examiner Sonny TRINH	Art Unit 2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *13 June 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. **Claims 1-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Moelard et al. (Moelard;U.S. Patent Number 5,371,738) in view of Oprescu-Surcobe et al. (Oprescu-Surcobe; U.S. Patent Number 5,842,130).

As to **claim 1**, Moelard discloses a wireless local area network system. Moelard further teaches a public download server connected to an information source (columns 1-2). However, Moelard does not disclose a mobile terminal provided with a narrow beam antenna. In the same field of endeavor, Oprescu-Surcobe teaches a method for identifying a mobile unit in a wireless communication system. Oprescu-Surcobe further discloses a mobile terminal provided with a narrow beam antenna (abstract, claim 1). It would have been obvious for a person skilled in the art at the time the invention was made to combine within Moelard's system, the narrow beam provided at the mobile station, as taught by Oprescu-Surcobe in order to locate the mobile station more precisely. The combination of Moelard and Oprescu-Surcobe however, does not disclose that the system is designed for the transmission of data in the 60 GHz range. It would have been obvious to one having ordinary skill in the art at the time the invention

was made to choose a transmission data rate of 60 GHz. since Applicant has disclosed that this particular frequency solve any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any frequency close to 60 Ghz. as long as the components are readily available or easy to design or allowed by the FCC.

As to **claims 2-9**, the combination of Moelard and Oprescu-Surcobe discloses the invention, however, the combination fails to show a system operating in a 60 GHz. range at a short distance of 20 meters or less or the broadband using various types of communication using wireless / wireline links. These claims merely add the intention of using the system in various environments and are obvious to one of ordinary skill in the art. Furthermore, it has been held that the recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art apparatus satisfying the claimed structural limitations. **Claims 10-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Levardon (Levardon; U.S. Patent Number 5,434,859) in view of Oprescu-Surcobe et al. (Oprescu-Surcobe; U.S. Patent Number 5,842,130).

As to **claim 10**, Levardon discloses a transmission system for transmitting information at various rates which includes transmitter station and receiver station suitable for such a system. Levardon further discloses a fixed hub ("base station" column 2) that can transmit at 60 GHz (column 2). However, Levardon does not disclose a mobile terminal provided with a narrow beam antenna. In the same field of endeavor, Oprescu-Surcobe teaches a method for identifying a mobile unit in a wireless communication system.

Oprescu-Surcobe further discloses a mobile terminal provided with a narrow beam antenna (abstract, claim 1). It would have been obvious for a person skilled in the art at the time the invention was made to combine within Levardon's system, the narrow beam provided at the mobile station, as taught by Oprescu-Surcobe in order to locate the mobile station more precisely. The combination of Levardon and Oprescu-Surcobe however, does not disclose that the fixed hub is provided with wide angle antenna beam. However, antenna beam with wide angle are notoriously well known and are widely used in the wireless communication field and the Examiner takes Official Notice of such. The motivation for using an antenna with wide angle beam is to easily detect the mobile terminal without having to use beam steering which complicates the circuitry at the base station, using wide angle beam in a relative short range is well known especially when power is not a factor.

As to **claims 11-17**, the combination of Levardon and Oprescu-Surcobe discloses the invention, however, the combination fails to show a system operating in a short distance of 20 meters or less or the broadband using various types of communication using wireless / wireline links. These claims merely add the intention of using the system in various environments and are obvious to one of ordinary skill in the art. Furthermore, it has been held that the recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art apparatus satisfying the claimed structural limitations. **Claims 18-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa

et al. (Ishikawa; U.S. Patent Number 5,909,652) in view of Oprescu-Surcobe et al. (Oprescu-Surcobe; U.S. Patent Number 5,842,130).

As to **claim 18**, Ishikawa discloses a radio communication system and radio communication terminal. Ishikawa further teaches the direct communication between the two terminals (abstract). However, Ishikawa does not disclose a mobile terminal provided with a narrow beam antenna. In the same field of endeavor, Oprescu-Surcobe teaches a method for identifying a mobile unit in a wireless communication system. Oprescu-Surcobe further discloses a mobile terminal provided with a narrow beam antenna (abstract, claim 1). It would have been obvious for a person skilled in the art at the time the invention was made to combine within Ishikawa's system, the narrow beam provided at the mobile station, as taught by Oprescu-Surcobe in order to locate the mobile station more precisely. The combination of Ishikawa and Oprescu-Surcobe however, does not disclose that the system is designed for the transmission of data in the 60 GHz range. It would have been obvious to one having ordinary skill in the art at the time the invention was made to choose a transmission data rate of 60 GHz. since Applicant has disclosed that this particular frequency solve any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any frequency close to 60 Ghz. as long as the components are readily available or easy to design or allowed by the FCC.

As to **claims 19-21**, the combination of Ishikawa and Oprescu-Surcobe discloses the invention, however, the combination fails to show a system operating in a short distance of 20 meters or less or the terminals are provided with game software or the

second transmission being an intermediate frequency below the 60 GHz. range. These claims merely add the intention of using the system in various environments and are obvious to one of ordinary skill in the art. Furthermore, it has been held that the recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art apparatus satisfying the claimed structural limitations.

2. **Claims 22-33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dethloff (Dethloff; U.S. Patent Number 6,000,606).

As to **claim 22**, Dethloff discloses a radio communication system comprising a plurality of public access server ("data network or telephone network" column 2, lines 57-64), and at least one mobile terminal, wherein the mobile terminal is designed to upload / download content from the public access server by means of a wireless transmission (column 2, lines 57-64). However, Dethloff does not disclose that the system operates within the same transmission frequency in a non-licensed frequency band. However, the use of a low powered, non-licensed frequency band is well known and regulated by the United States Federal Communications Commission (FCC) and the Examiner takes Official Notice of such use. The motivation for using non licensed frequency band is to avoid interference with other wireless devices (e.g. emergency communication).

As to **claims 23-25**, the combination of Dethloff and the Official Notice taken by the Examiner discloses the invention, however, the combination fails to show the public server is free of charge or the upload / download is charged to the user of the mobile

terminal etc. However, these are merely design choices and these claims merely add the intention of using the system in various environments and are obvious to one of ordinary skill in the art. Furthermore, it has been held that the recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art apparatus satisfying the claimed structural limitations.

As to **claim 26,** this claim merely reflect the method claim to the apparatus of claims 22-23 and is therefore rejected for the same reasons.

As to **claims 27-33**, these claims merely add the intention of using the system in various environments and are obvious to one of ordinary skill in the art. Furthermore, it has been held that the recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art apparatus satisfying the claimed structural limitations.

Citation of Pertinent Prior Art

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Inventor	Publication	Number	Disclosure
Karadly Mostafa Z. Et al	US Patent	4,940,990	Intra-building wireless communication system.

Conclusion

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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or faxed to:

(703) 872-9314, (for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny Trinh whose telephone number is (703) 305-1961. The examiner can normally be reached Monday through Thursdays from 7:00 am to 4:00 p.m., and on alternate Fridays.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Sonny Trinh S.T.

Patent Examiner
07/29/01

NAY MAUNG
PRIMARY EXAMINER